

On Appeal from the Territorial Court of the Virgin Islands

**BEFORE:**     **RAYMOND L. FINCH**, Chief Judge, District Court of the Virgin Islands; **THOMAS K. MOORE**, Judge of the District Court of the Virgin Islands; and **BRENDA J. HOLLAR**, Administrative Judge, Territorial Court of the Virgin Islands, Sitting by Designation.

**Edgar A. Christensen, Esq.**  
Law Offices of R. Eric Moore  
St. Croix, VI  
Attorney for Appellant,

**JUDGMENT ORDER**

On or about February 25, 1998, Glen Edwards ["Edwards"] entered a plea of guilty to second degree murder in violation of 14 V.I.C. 922(b). In a Judgment and Commitment entered on May 4, 1998, Edwards was sentenced to fifty (50) years incarceration.

This appeal arose out of the denial of Edwards' Motion for Reduction of Sentence.

The Virgin Islands Rules of Appellate Procedure provide that in a criminal case, a defendant shall file the notice of appeal in the Territorial Court within ten days after the entry of the judgment or order appealed from. V.I. R. APP. P. 5(b). In this case, the Judgment and Commitment was entered on May 4, 1998 and the Notice of Appeal was filed June 10, 1999, more than a year late.

Moreover, while the language of V.I. CODE ANN. tit. 4, § 33, if read in isolation, would appear to prohibit our review of such appeals, the Third Circuit Court of Appeals has found that § 33 cannot preclude review of an appeal from a guilty plea if it raises a post-plea error of a colorably constitutional magnitude. *Luke v. Government of the Virgin Islands*, 34 V.I. 112, 113, 921 F.Supp. 302, 303 (D.V.I. App. Div. 1996) (citing *Government of the Virgin Islands v. Warner*, 48 F.3d 688 (3d Cir. 1995)). Edwards' sentence of fifty years on second degree murder raises no constitutional issue. Notwithstanding the fifty year sentence, under the parole provision set forth in 5 V.I.C. § 4601, the defendant may apply for parole after fifteen (15) years.

The Court, having considered the premises, hereby

**ORDERS** that this appeal is **DISMISSED** for lack of jurisdiction.

**DONE AND SO ORDERED** this 29 day of September 2000.

**A T T E S T:**  
**ORINN ARNOLD**  
**Clerk of the Court**

**/s/**  
**By: \_\_\_\_\_**  
**Deputy Clerk**

**Copies to:**

Judges of the Appellate Panel  
Judges of the Territorial Court  
Honorable Jeffrey L. Resnick  
Honorable Geoffrey W. Barnard

Iver A. Stridiron, Attorney General, V.I. Department of Justice  
Pamela Tepper, Solicitor General  
Maureen Phelan Cormier, AAG  
Edgar A. Christensen, Esq.

Tracy Lynch Bhola, Esq.  
Julieann Dimmick, Esq.  
Jeffrey Jordan, Esq.  
Jennifer Coffin, Esq.  
Nydia Hess

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